

# DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES



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## STATE OF MONTANA

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[www.dphhs.mt.gov](http://www.dphhs.mt.gov)

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Effective October 1, 2005, Montana child-care providers will be subject to a new law under the jurisdiction of the Montana Department of Justice. *Dane's Law* makes it a felony for any employee, owner, household member, volunteer or operator of a day care facility to administer medication—either prescription or non-prescription—to a child without the **written** consent of the child's parent. The law also prohibits the inappropriate administration of medications.

The law does provide an exception for certain medical emergencies when parental consent cannot be obtained. In such cases, a provider would have to obtain the written authorization from the child's physician, or be verbally directed to administer the medication from a medical practitioner, an emergency services provider, or a 911 responder.

The penalty for giving a child medication without parental consent can be up to 20 years in jail and up to a \$50,000 fine.

In anticipation of Dane's Law and the implementation of future day care rules pertaining to medication administration, The Child Care Licensing Program has developed sample documents for providers to use. Use of these documents is voluntary at this time. The documents include:

- Medication Authorization Form
- A Medication Administration Log (with instructions for use); and
- Medication Error/Incident Report

These forms are located at [www.dphhs.mt.gov/earlychildhood](http://www.dphhs.mt.gov/earlychildhood) and are not copyright protected; they can be downloaded and used "as is", or providers may modify the documents in accordance to their program. However, if a facility chooses to modify these forms, it is critical that the same basic information contained on the above documents is used.

If you are interested in obtaining a full copy of Dane's Law, you may do so by logging onto <http://data.opi.state.mt.us/bills/2005/billhtml/HB0068.htm>

Should you have questions or concerns about Dane's Law, or the medication administration documents, please contact your local child-care licensor, or the Child Care Licensing Program Manager, Becky Fleming-Siebenaler, at 444-7770.